

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|--|---|---------------------------------|
| In the matter of |) | |
| |) | |
| INTELSAT LLC |) | |
| |) | File No. SAT-MOD-20011025-00092 |
| Modification of Authorization to Launch C-band |) | Call Sign: S2407 |
| and Ku-band Satellites that Form a Global |) | |
| Communications System in Geostationary Orbit |) | |
| |) | |
| |) | |

ORDER AND AUTHORIZATION

Adopted: February 12, 2002

Released: February 13, 2002

By the Deputy Chief, Satellite and Radiocommunication Division, International Bureau:

INTRODUCTION

1. By this *Order*, we modify the launch milestone deadline and the corresponding in-service date for INTELSAT 903, to be operated by Intelsat LLC. The five-month extensions will allow Intelsat LLC to correct unforeseen technical problems with the spacecraft, while continuing to serve its customers from its in-orbit satellite.

BACKGROUND

2. On August 8, 2001, the Commission granted Intelsat LLC authority to operate 17 in-orbit C-band and Ku-band satellites then-owned and operated by the International Telecommunications Satellite Organization (INTELSAT).¹ The Commission also granted Intelsat LLC authority to construct, launch, and operate 10 satellites planned by INTELSAT. In the licensing order, the Commission specified construction and launch milestones for the planned satellites based on a schedule proposed by Intelsat LLC.² INTELSAT 903, one of the planned satellites, was given a launch milestone date of November 2001.³ INTELSAT 903 is a replacement satellite for INTELSAT 603 at 24.5° W.L.⁴

¹ See *Application of Intelsat LLC for Authority to Operate, and to Further Construct, Launch, and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit*, Memorandum Opinion Order and Authorization, 15 FCC Rcd 15460, *recon. denied*, 15 FCC Rcd 25234 (2000), *further proceedings*, 16 FCC Rcd 12280 (2001) (*Intelsat LLC Orders*). Intelsat LLC is a U.S. corporation created by INTELSAT for the purpose of owning and operating INTELSAT's C-band and Ku-band satellites upon INTELSAT's privatization. INTELSAT privatized on July 18, 2001. The term "C-band" refers here to the 3700 - 4200 MHz and 5925 - 6425 MHz frequency bands; the term "Ku-band" refers to the 11.7 - 12.2 GHz and 14.0 - 14.5 GHz frequency bands.

² *Intelsat LLC Orders*, 15 FCC Rcd at 15513 (¶ 156).

³ *Id.*

3. On October 25, 2001, Intelsat LLC filed a request to extend the launch milestone date for INTELSAT 903 from November 2001 to April 2002, in order to correct certain technical problems.⁵ Intelsat LLC also requests a corresponding extension for INTELSAT 903's "in-service" date.⁶ No comments or oppositions were filed in response to Intelsat LLC's request.⁷ For the reasons discussed below, we extend INTELSAT 903's launch milestone from November 2001 to April 2002 and grant a corresponding extension for its "in-service" date.

DISCUSSION

4. Intelsat LLC requests authority to extend the launch milestone date and corresponding "in-service" date for INTELSAT 903. According to Intelsat LLC, this extension is necessary because the satellite's manufacturer needs additional time to correct technical problems.⁸ Additionally, Intelsat LLC states that since INTELSAT 903 is a replacement satellite for an already existing satellite there is no danger of service being lost by the delay.⁹ In its request, Intelsat LLC also emphasizes its strong commitment to launching and operating the satellite. Intelsat LLC further explains that the requested April 2002 launch date is only an outside date and the launch of INTELSAT 903 is likely to occur sooner.¹⁰

5. Generally, we grant milestone extensions only when the delay is due to circumstances beyond the control of the licensee.¹¹ We have found that unanticipated technical problems with a satellite during construction constitute a circumstance beyond the licensee's control and justify a brief milestone extension.¹² The circumstances presented by Intelsat LLC are consistent with this standard. Specifically,

(...continued from previous page)

⁴ *Id.* at 15521 (Appendix A, Table 1).

⁵ Intelsat LLC Request for Extension of Milestone Date for Launch of INTELSAT 903, File No. SAT-MOD-20011025-00092 (October 25, 2001) (Intelsat LLC Milestone Extension Request).

⁶ The extension of the launch milestone date would also require a corresponding extension of the "in-service" date, which is 6 to 8 weeks after a successful launch. *See Intelsat LLC Orders* at 15521 n. aa1. *See also* Intelsat LLC Milestone Extension Request.

⁷ *See* Public Notice, Report No. SAT-00091 (rel. November 21, 2001).

⁸ Intelsat LLC Milestone Extension Request at 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ 47 C.F.R. § 25.117(e)(1). *See also Earth Watch Incorporated, Modification of Authorization to Construct, Launch and Operate a Remote Sensing Satellite System*, Order and Authorization, 15 FCC Rcd 13594, 13596-97 (¶ 8) (Int'l. Bur. 2000); *Columbia Communications Corporation, Application for Amendment to Pending Application to Extend Milestones*, Memorandum Opinion and Order, 15 FCC Rcd 16496, 16497 (¶ 4) (Int'l. Bur. 2000); *National Exchange Satellite, Inc., Extension of Time to Construct and Launch Space Stations in the Domestic Fixed Satellite Service*, Memorandum Opinion and Order, 7 FCC Rcd 1990, 1991 (¶ 8) (Com. Car. Bur. 1992); *Hughes Communications Galaxy, Inc., Application for Modification of Construction Permits and Licenses for the Galaxy 4-R and Galaxy A-R Domestic Fixed-Satellites*, Order and Authorization, 5 FCC Rcd 3423, 3424 (¶ 11) (Com. Car. Bur. 1990); *MCI Communications Corporation, Extensions of Time to Construct and Launch Space Stations in the Domestic Fixed-Satellite Service*, Memorandum Opinion and Order, 2 FCC Rcd 233, 233 (¶ 5) (Com. Car. Bur. 1987).

¹² *See AMSC Subsidiary Corporation, Application for Modification of Construction Permit and License for the AMSC-I Satellite*, Order and Authorization, 10 FCC Rcd 3791, 3791 (¶ 4) (Satellite and Radiocommunication Div., 1995) (short milestone extension granted to permit licensee to resolve unanticipated technical problems with antenna); *American Telephone and Telegraph Company, Application for Modification of Construction Permit and*

(continued....)

Intelsat LLC states that the manufacturer of INTELSAT 903 is correcting two technical problems that have arisen in orbiting satellites of the same design.¹³ In addition, the extension sought here is relatively brief and commensurate with the time needed to effect the necessary repairs and launch the satellite. Under the circumstances presented here, we find that a grant of Intelsat LLC's application to modify the launch milestone deadline for INTELSAT 903 and extend its corresponding "in service" date, will serve the public interest by allowing Intelsat LLC additional time to ensure that INTELSAT 903 is technically capable of providing services anticipated by the public.

ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, the Request for Extension of Milestone Date for Launch of INTELSAT 903, File No. SAT-MOD-20011025-00092 is GRANTED. The launch milestone date of INTELSAT 903 is EXTENDED from November 2001 to April 2002, with a corresponding extension for INTELSAT 903's "in-service" date.

7. IT IS FURTHER ORDERED that, unless extended by the Commission for good cause shown this authorization shall become NULL AND VOID in the event the space station is not launched and successfully placed into operation in accordance with this authorization.

8. IT IS FURTHER ORDERED that this authorization is subject to the same terms and conditions set forth in the *INTELSAT LLC Orders*, 15 FCC Rcd 15460, *recon. denied*, 15 FCC Rcd 25234 (2000), *further proceedings*, 16 FCC Rcd 12280 (2001).

9. This Order is issued pursuant to Section 0.261 of the Commission's Rules, 47 C.F.R. §0.261, and is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Fern J. Jarmulnek
Deputy Chief,
Satellite and Radiocommunication Division

(...continued from previous page)

License for the Telstar 402 Satellite, Order and Authorization, 9 FCC Rcd 2607, 2607 (¶ 4) (Domestic Facilities Div., 1994) (short milestone extension granted to permit licensee to resolve unanticipated technical problems).

¹³ Intelsat LLC Milestone Extension Request at 2.